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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
09/425,804	10-25-1999	GORENSTEIN	UTMB-99B

EXAMINER	
S. ZITOMER	
ART UNIT	PAPER NUMBER
1634	23

DATE MAILED:

Please find below a communication from the EXAMINER in charge of this application.

Commissioner of Patents

The reply filed on October 7, 2002 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): Applicant's election of Group IV, claims 15-17 and dithiophosphate modifications as in claim 17 is acknowledged. However, the election of SEQ ID NOS:38 and 39 is non-responsive as the Restriction mailed August 27, 2002 specifically required election of a "Single species of Seq. ID. (*sic*) 17, 29, 30-39". It is pointed out that this is not a "species election"; rather, each different nucleotide sequence constitutes a patentably distinct invention under 35 U.S.C 120 because each is a different chemical composition. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephanie Zitomer whose telephone number is (703) 308-3985. The examiner can normally be reached on Monday through Friday from 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, W. Gary Jones, can be reached on (703) 308-1152. The official fax phone number for this Group is (703) 308-4242. The unofficial fax number is (703) 308-8724.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0196.

Stephanie Zitomer, Ph.D.
December 10, 2002

S. Zitomer
STEPHANIE W. ZITOMER
PRIMARY EXAMINER